

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, November 3, 2015, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109:

Kevin Kluge, Chair; Jason Hathcock, Mark Smalley, Rob Lubitz

Board Members Present via Conference Call:

Danna Quinn

Also Present:

Hannah Auckland, Board Attorney; Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Court Reporter, Ottmar & Associates

Call to Order:

Approval of the Minutes:

October 6, 2015, Public Meeting Minutes

MOTION: A motion to approve the October 6, 2015 Public Meeting Minutes was made by M. Smalley. Motion was seconded and passed unanimously, minutes stand approved. **CORP 2015-62**

Consideration of Disability Application #15-01 – IME Decision:

The Board received Application #15-02 for Ordinary Disability from Raquel M. Gloden on July 28, 2015.

The Board Secretary advised that the applicant is an Adult Probation Officer Supervisor in Maricopa County. Maricopa County Human Resources confirmed that the applicant is still employed and on unpaid leave, and that the applicant was not injured in the course of physical contact or confrontation with a probationer or detainee.

The applicant identified the disabling conditions as “Depression and ADD/ADHD precipitated by a TBI.” The applicant was notified via certified letter that the Board would consider her application at this meeting and of her right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting. The applicant provided treatment records and reports of medical findings from some of the providers listed in her application.

At its meeting on September 8, 2015, the Board approved a motion to obtain complete records of medical treatment and findings from all providers listed in Application #15-02 and to provide all such records to the doctor who conducts the independent medical evaluation for the Board, and to defer decision on the IME until full medical records are available for the Board's review. This matter is brought to the Board at this meeting for the Board's review of available medical records and guidance on records provided by the applicant from providers who have not yet provided records directly to the Board.

The Board has received records from the following providers listed in the application:

Cann Chiropractic
Chandler Regional Medical Center
Ironwood Counseling, Nicole LoRe
Southeast Valley Medical, Drs. James Campbell and Jason Collier
Dr. Martin Longhi, Valbuena Psychiatry
David C. Marzulo, D.O.

The Board Secretary also requested records from the providers listed in the application as "PRIOR 3 YEARS (NON-RELATED TO CURRENT ISSUE)" and received records from two of the three providers. Since the Board's last consideration of this application on September 8, 2015, the Board Secretary advised that Ms. Gloden expressed that she did not want those records released "since they are totally unrelated to my medical disability issue." The Board Attorney advised that, because those records have no bearing on the claimed injury and the applicant has essentially withdrawn her consent for those records to be reviewed, it would not be advisable for the Board to review those records.

The Board Secretary advised that on October 15, 2015, the applicant submitted records collected by her attorney from the providers who had not yet provided records directly to the Board in response to the Board's requests. On the same date, the Board Secretary sent "Second Request" letters via certified mail to the providers who had not sent records in response to the Board's first requests on September 10, 2015.

As for pre-existing conditions, the Board Secretary advised that the applicant's physical exam could not be located in the Local Board office. The membership database indicates she had a CORP exam on May 29, 2007, but the report was not in her file and an exhaustive search did not locate it. It is possible, but very unlikely, that a copy will be retrieved from Concentra given the six-year retention period in effect at the time of her exam, but the Board Secretary has requested it from Concentra.

The Board Secretary sought the Board's direction on whether the Board will accept the records provided by the applicant for the providers who have not yet sent records directly to the Board and allow the IME doctor to use the applicant-provided records.

The Chair stated that he feels that since it has not been the practice of the Board to accept records from anyone other than the provider, it would be in the Board's best interest to collect the missing records directly from the providers.

Board Member Rob Lubitz requested a status update for the pending requests.

The Board Secretary stated that some of the providers use a third-party records retention service, which require payment in advance, while others require a HIPPA-compliant release, which also adds time to the collection process should the Board choose to receive medical records directly from the providers.

Board Member Jason Hathcock felt that since the Board bases its decision solely on the IME, the Board should use the records collected by the Board and those submitted by the applicant's attorney.

Board Member Mark Smalley felt that all records should be obtained directly from the providers because the Board may obtain more current records than would be obtained by the using the records from the applicant.

Board Member Rob Lubitz felt that while it is not the normal practice to accept medical records directly from the applicant, the Board should move forward with scheduling an IME, given the extent of the information the Board has received from the providers and the applicant.

As for whether or not the Board would like to review and/or have the IME doctor review the records identified as "Non-Related to Current Issue" in the application, the Board agreed that since the records are not related to the disabling condition they should not be reviewed.

Lastly, given that the applicant identifies psychological (non-physical) issues as the basis of her disability, the Board agreed to proceed with scheduling an IME based on the psychologist/psychiatrist model.

MOTION: A motion to accept the medical records provided by Applicant #15-02 for providers who have not yet responded to the Board requests for records, and to provide all such records to the doctor who conducts the independent medical evaluation for the Board (excluding the records that are non-related to the injury), was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2015-63

Approval of Normal Retirement Benefits:

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

Salvatore Calabrese

Ignacio Galindo

Omar A. Perez

The Board Secretary advised that the effective CORP retirement date for all applicants is November 1, 2015.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective November 1, 2015, was made by D. Quinn. Motion was seconded and passed unanimously. **CORP 2015-64**

Salvatore Calabrese: \$2,977.51 (Reverse DROP Estimate: \$184,921.96)
Ignacio Galindo: \$4,337.68
Omar A. Perez: \$1,729.26

Death Benefits:

The Local Board may consider and vote on the approval of Death benefits for the following applications or defer decision to a later date:

A. Stephen F. Harvey

MOTION: A motion to approve the payment of a Death Benefit to the following beneficiary in about the following amount was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2015-65**

Member: Stephen F. Harvey (Deceased 7/28/15)
Benefit Payable to Designated Beneficiary Gayle Guild: \$76,739.02

B. Mark P. Barthel

On August 4, 2015, the Board approved a motion to accept the Affidavit for Collection of Personal Property in support of the applications from David W. Barthel and James S. Barthel for the remainder of the funds that make up Mr. Barthel's Death Benefit, as awarded to the estate of Mark P. Barthel at the Board's meeting on April 6, 2015.

On May 29, 2015, PSPRS paid Dolora Gibson, Mark Barthel's ex-spouse, her community property share of the Death Benefit awarded by the Board at its meeting on April 6, 2015. Ms. Gibson was paid \$8,551.97, half the balance of contributions in Mark Barthel's CORP account as of the service of the divorce decree on August 19, 2010, as awarded by the Board at its meeting on April 6, 2015.

The calculation of the awards shown on the applications for Mr. Barthel's brothers was made as follows:

Death Benefit Total:	\$ 62,858.32 (2x accumulated contributions of \$31,429.16)
Less Gibson Award:	<u>\$ 8,551.97</u>
Remaining Benefit:	\$ 54,306.35

Benefit to David W. Barthel: \$27,153.17 (one-half of Remaining Benefit)
Benefit to James S. Barthel: \$27,153.18 (one-half of Remaining Benefit)

MOTION: A motion to approve the payment of a Death Benefit to the following beneficiaries in about the following amount was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2015-66**

Member: Mark P. Barthel (Deceased 5/27/14)
Benefit Payable to David W. Barthel: \$27,153.17

Member: Mark P. Barthel (Deceased 5/27/14)
Benefit Payable to James S. Barthel: \$27,153.18

Deferred Annuity:

Barbara A. Prewitt

The Board Secretary advised the Board that a Deferred Annuity is not a retirement benefit and annuitants are not entitled to receive survivor benefits, benefit increases, or the group health insurance subsidy. Ms. Prewitt received a copy of the CORP Member Handbook that explains how the Deferred Annuity differs from the CORP retirement benefit.

Ms. Prewitt attained the age of 62 on May 29, 2015, and made application for the Deferred Annuity on September 30, 2015. She terminated employment with Yavapai County on March 18, 2014, with 14.385 years of service credit. If the Board approves, she will receive retroactive payment of the Deferred Annuity effective on the first day of the month after her 62nd birthday (which does not exceed 180 days before the date of her application).

MOTION: A motion to approve the payment of a Deferred Annuity to the following applicant in about the following amount was made by D. Quinn. Motion was seconded and passed unanimously. **CORP 2015-67**

Member: Barbara A. Prewitt
Deferred Annuity Payable Beginning June 30, 2015: \$794.70

Contract for Attorney Services:

The current contract with Grasso Law Firm to provide professional legal services to the Board ends on January 31, 2016.

The Board was advised that it has the option of extending the contract with Grasso Law Firm or soliciting new bids for legal services. The Board last solicited bids in late 2013, before selecting Grasso Law Firm and entering the current contract.

The current contract rate is \$225.00 per hour for attorney services.

MOTION: A motion to instruct the Board Secretary to send written notice to Grasso Law Firm of its desire to extend the contract to provide legal counsel to the Board for a term beginning February 1, 2016, and ending January 31, 2018, was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2015-68**

Approval of 2016 Meeting Dates:

Meeting dates for 2016 are proposed for the Board's approval. While most meetings are scheduled on a Tuesday, the meeting room is not available on a Tuesday in early February or August. All meetings are scheduled to begin at 10:00 a.m.

January 5 th	Tuesday
February 8 th	Monday
March 8 th	Tuesday
April 5 th	Tuesday
May 3 rd	Tuesday
June 7 th	Tuesday
July 5 th	Tuesday
August 8 th	Monday
September 6 th	Tuesday
October 4 th	Tuesday
November 8 th	Tuesday
December 6 th	Tuesday

MOTION: A motion to approve the proposed Board meeting dates for 2016 was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2015-69

Acknowledgement of CORP Physical Exam Final Letters:

The Chair noted, for the record, that physical examination reports for Paul R. Berardi, Margaret Griffin, David M. Hallett, Marie Kasparikova and Patricia M. Robinson were not received within 60 days of receipt of their membership applications and that final letters requesting an examination was sent to these members via certified mail on October 21, 2015.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Aven, Shanandowa	Maricopa	10/12/2015
Bachler, Tyler	Coconino	9/15/2015
Berardi, Paul	Maricopa	8/10/2015
Downing, Martina	Maricopa	10/16/2015
Gaddis, Barbara	Maricopa	10/6/2015
Gonzalez, David	Maricopa	10/12/2015
Graaff, Tiffany	Maricopa	10/16/2015
Griffin, Margaret	Coconino	7/18/2015
Hallett, David	Coconino	7/18/2015
Harlock, Gregory	Maricopa	10/19/2015
Huff, Earl	Yavapai	8/30/2015
James, Rochelle	Coconino	8/17/2015
Jimenez, Melissa	Cochise	9/14/2015
Kasparikova, Marie	Yavapai	5/10/2015
Masferrer, Rafael	Maricopa	9/21/2015

Nieto, Mari	Pinal	8/30/2015
Nothwehr, Zachary	Maricopa	10/12/2015
Quesinberry, Benjamin	Yavapai	8/31/2015
Reeves, Christopher	Maricopa	10/12/2015
Robinson, Patricia	Yavapai	5/18/2015
Shaul, Matthew	Yavapai	8/30/2015
Tapia, Christopher	Pima	10/5/2015
Tonioni, Nicole	Mohave	8/24/2015
Veloz, Edward	Maricopa	9/21/2015
Vialpando, Desiree	Pima	9/21/2015
Young, DeAnn	Gila	6/22/2015

MOTION: A motion to approve the 26 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. § 38-893.D and to note for the record that the physical examinations for Tyler Bachler, Benjamin Quesinberry, Christopher Reeves, Matthew Shaul, Nicole Tonioni, Edward Veloz and DeAnn Young identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2015-70**

Future Agenda Items:

Board Member Jason Hathcock asked if there was any update on the Reverse DROP training. The Board Secretary advised that training sessions for Coconino, Apache, Navajo and Mohave counties will be held in November. Sessions for Maricopa Juvenile will be held in November and December. The Board Secretary stated that she had not received any requests for training from Maricopa Adult.

Board Member Jason Hathcock asked if there was any update on the cancer insurance. Board Member Danna Quinn responded that the ongoing discussions within Maricopa County regarding the cancer insurance offering are still taking place. Ms. Quinn also asked whether the Board was able to obtain a list of any other jurisdictions participating. The Board Secretary stated that a list has not yet been obtained but will be sought.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:48 a.m.

Transcribed November 3, 2015